

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BECKLEY DIVISION

LONNIE C. THOMPSON, JR.,

Plaintiff,

v.

CIVIL ACTION NO. 5:04-cv-00746

K. M. WHITE, et al.

Defendants.

JUDGMENT ORDER

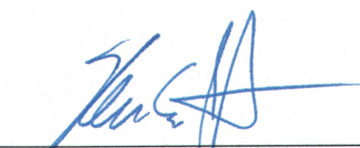
By Standing Order entered on May 20, 2002, and filed in this case on July 21, 2004, this action was referred to United States Magistrate Judge R. Clarke VanDervort for submission of proposed findings and a recommendation [“PF&R”]. Magistrate Judge VanDervort filed his PF&R on September 21, 2006 [Docket 21]. In that filing, the magistrate judge recommended that this Court grant Defendants’ Motion to Dismiss [Docket 17] and dismiss this matter from the Court’s docket.

The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). In addition, failure to file timely objections constitutes a waiver of *de novo* review and the petitioner’s right to appeal this Court’s Order. 28 U.S.C. § 636(b)(1); *Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir.1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). Here, objections to Magistrate Judge VanDervort’s PF&R were due by October 6, 2006, pursuant to 28 U.S.C. § 636(b)(1) and FED. R. Civ. P. 72(b). No objections have been filed.

The Court adopts the recommendations of Magistrate Judge VanDervort. Accordingly, the Court hereby **GRANTS** Defendants' Motion to Dismiss and **DISMISSES** this matter from the Court's docket.

The Clerk is directed to mail a copy of this Judgment Order to all counsel of record, the plaintiff, *pro se*, and Magistrate Judge VanDervort.

ENTER: November 30, 2006



THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE